

**AMENDMENT II TO AGREEMENT**

THIS AMENDMENT II TO AGREEMENT (hereinafter "Amendment") is made and entered into this 15th day of December, 2015, by and between COUNTY OF FRESNO, a Political Subdivision of the State of California, Fresno, California (hereinafter "COUNTY"), and McCormick Barstow Sheppard Wayte & Carruth, LLP, whose address is 5 River Park Place East, Fresno, CA 93720-1501 (hereinafter "CONTRACTOR").

**WITNESSETH:**

WHEREAS, COUNTY and CONTRACTOR entered into Agreement number 12-084, dated the 21<sup>st</sup> of February, 2012 and Amendment I to Agreement dated the 20<sup>th</sup> of May, 2014 (hereinafter collectively "Agreement"), pursuant to which CONTRACTOR agreed to defend in regards to General Liability, Auto Liability and Medical Malpractice claims against Fresno County; and

WHEREAS, COUNTY and CONTRACTOR now desire to amend the Agreement in order to amend the Fee Schedule.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, COUNTY and CONTRACTOR agree to amend the Agreement as follows:

1. Section 4, Subsection 4.2, on page 4, lines 5 through 7, is deleted in its entirety and replaced with the following:

"4.2 COUNTY agrees to pay and ATTORNEY agrees to accept as full compensation for performance of tasks under this Agreement ATTORNEY'S reasonable fees as described in Attachment B, Schedule of Rates, which is attached hereto and incorporated herein by reference."

COUNTY and CONTRACTOR agree that this Amendment is sufficient to amend the Agreement and, that upon execution of this Amendment II, the Agreement, Amendment I and this Amendment together shall be considered the Agreement. This Amendment II will be effective the 22nd day of February, 2016.

The Agreement, as hereby amended, is ratified and continued. All provisions, terms, covenants, conditions and promises contained in the Agreement and not amended herein shall remain in full force and effect.

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1 IN WITNESS WHEREOF, the parties hereto have executed this Amendment II to  
2 Agreement.

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4 **CONTRACTOR**

**COUNTY OF FRESNO**

5 **McCormick Barstow Wayte & Carruth LLP**

6 Michael G. Woods 11-19-15

Monah A. Rodriguez

8 Authorized Signature Date

Chairman, Board of Supervisors

9 Michael G. Woods

Date: Dec 15, 2015

10 Print Name

11  
12  
13 Chairman, Management Committee

14 Title (Chairman, President, any Vice President)

15  
16  
17  
18 Authorized Signature Date

Dani Cuyt, Deputy

Clerk, Board of Supervisors

19  
20  
21 Print Name

Date: December 15, 2015

22  
23  
24 Partner

25 Title (Secretary, Assistant Secretary, CFO)

26 **PLEASE SEE ADDITIONAL**  
27 **SIGNATURE PAGE ATTACHED**  
28

1 APPROVED AS TO LEGAL FROM:

2 DAN CEDERBORG, COUNTY COUNSEL

3  
4 By: Daniel C. Cederborg

Date: 11/20/15

6  
7 APPROVED AS TO ACCOUNTING FORM:

8 C.P.A., AUDITOR-CONTROLLER/

9 TREASURER-TAX COLLECTOR

10  
11 By: Collette

Date: \_\_\_\_\_

13  
14 REVIEWED AND RECOMMENDED FOR

15 APPROVAL:

16  
17 By: Paul Nerland

Date: 11/20/15

18  
19 PAUL NERLAND, INTERIM DIRECTOR

20 PERSONNEL SERVICES

21  
22 Fund/Subclass: 1060/10000

23 Organization: 89250100

24 Account/Program: 1854

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**ATTACHMENT B**  
**SCHEDULE OF RATES-FEBRUARY 2016 THROUGH FEBRUARY 2017**  
**McCormick, Barstow, Sheppard, Wayte & Carruth**

**Employment, Construction, Business and General**

Michael G. Woods	\$310.00 per hour
Jeff Reid	\$300.00 per hour
Marshall Whitney	\$250.00 per hour
Stephen Carroll	\$250.00 per hour
Mandy Jeffcoach	\$250.00 per hour
Mart B. Oller, IV	\$250.00 per hour
Deborah Byron	\$250.00 per hour (other than appellate work)
Christina Tillman	\$250.00 per hour
Senior Associates	\$210.00 per hour
Associates	\$195.00 per hour

**Appellate**

Todd Baxter	\$300.00 per hour
Deborah Byron	\$300.00 per hour
Senior Associates	\$195.00 per hour
Associates	\$195.00 per hour

**Paralegals**

Paralegals providing litigation support	\$115.00 per hour
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**Materials and Miscellaneous**

Photocopies	\$.25 per page
Computer-assisted legal research	Actual Cost
Faxes	\$.50 per page plus L/D charges
Mileage	IRS approved rate per mile for out of town travel
Messenger Services	Actual Cost
Other Costs	Direct Pass-through without surcharge